



TOWN OF EAST LONGMEADOW
60 CENTER SQUARE
EAST LONGMEADOW, MA 01028

TOWN COUNCIL

(413) 525-5400 ext. 1001

Kathleen G. Hill, President
Michael J. Kane, Vice President *Thomas C. O'Connor*
Donald J. Anderson *Ralph E. Page*
R. Patrick Henry, Jr. *Marilyn M. Richards*

Approved 8/11/2020

MINUTES
Town Council Meeting
July 14 at 6:00 pm
East Longmeadow, Massachusetts 01028

Present: President Kathleen Hill, Vice President Michael Kane, Pat Henry, Ralph Page, Marilyn Richards, Don Anderson and Tom O'Connor

Council President Hill opened the meeting at 6:00 p.m. followed by a Moment of Silence. The meeting was conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020. Announcements were made in accordance with Mass General Law, and it was noted that the meeting was being audio taped as well as in a virtual remote format.

President Hill noted that all votes that are taken will be roll call votes.

Public Comments:

Greg Thompson, East Longmeadow School Committee Chair wanted to address 3 issues.

The first issue being the Chestnut Property and the zoning bylaw change; Mr. Thompson is wondering if the Council would also consider doing an impact study prior to any zoning change. The School Committee is worried about the impact of a 600 unit development and the impact it would have on the schools, as well as the traffic impact in town and the quality of life.

The second issue is the Charter Review Committee. Mr. Thompson is wondering if the work of that Committee would have an opportunity to look at the separation of powers within our Charter; specifically he wanted to address the executive and legislative branch. Mr. Thompson stated they have been in discussion in their budget development process with various subcommittees and members of the Council. He is looking for a way to clean up that process so that we all know who is responsible for which portions of the process. Mr. Thompson would like to see if the Charter Review Committee can provide specific language or can they get clarification of the process going forward.

The third issue Mr. Thompson spoke about as the School Committee Chair and on behalf of the children of East Longmeadow. Mr. Thompson wanted to point out that in the Town Manager's proposed budget this evening is the School Committee's requested budget. It is an increase of 1.5% which is the number also calculated by the Town Council's Finance Subcommittee. The two calculations that get them to that number is the increase in the Town's portion contributed to education and the assumption that they receive level funding from Chapter 70. This is a \$909,000.00 decrease from the original request. Mr. Thompson wanted to reiterate that the School Committee is going to need all the support they can get to get the children back to school and is asking the Council to approve the budget they are requesting.

President Hill informed Mr. Thompson that she will make the Planning Matters Subcommittee and the Charter Review Committee aware of his requests.

Connor O'Shea of 20 Tanglewood Drive spoke in reference to Article 5 Section 1 of the Home Rule Charter. Mr. O'Shea stated that Article 5 specifies the organization of the Town into operating agencies for the provision of services and the administration of government. This may be accomplished only through an organization/reorganization plan filed with the Town Council by the Town Manager. Mr. O'Shea stated that the town recently abolished the Dispatch Department as a result of joining the Westcomm Regional Dispatch district. Mr. O'Shea would like to know if a reorganization plan was submitted to the Town Council. The Charter also requires that whenever the Town Manager proposes such a plan the Town Council shall hold one or more hearings on the proposal giving notice by publication. Mr. O'Shea stated that no such public hearing was held by the Council prior to the dismissal of town employees. A reorganization plan was required by the Charter in this instance as Section 7 defines Town Agency as any multiple member body, any department, division or office of the Town of East Longmeadow. Mr. O'Shea stated the Town's operating budget also lists Dispatch as a department and it had its own Director which indicated to him that it was in fact treated as its own department that had provision services. Mr. O'Shea believes a core tenant of this section of the Charter is to provide transparency and accountability of Town Government officials to residents; the Council is entrusted by the public to uphold and exercise the power and proper duties of the Charter. The Town recently formed the Charter Review Committee which Mr. O'Shea has the utmost confidence that it will provide a great report with suggested changes to the Charter. Mr. O'Shea's concern is that changes are only meaningful if the Charter is followed to begin with and it is his hope that this violation of the public's trust does not happen again,

President Hill stated that she will share Connor O'Shea's comments with the Charter Review Committee. The Charter Review Committee has met four times so far and is working very seriously with a lot of good intent, stated President Hill. President Hill would refer to their final report as it relates to whether or not this particular chapter is relevant.

For the record President Hill stated that when Mary McNally proposed the move of the dispatch to Westcomm it was done with the understanding that the department stayed as part of the East Longmeadow organizational chart until July 1st and they could not officially be considered part of Westcomm until they went live on July 1ST so under that consideration we are just a few days removed from that. President Hill does not believe there was any intent to violate the Charter.

Council Comments:

Councilor Anderson congratulated President Hill on her 2 years of amazing service. Councilor Anderson stated that he does not think the people know how much hard work President Hill has put into the position.

Councilor Anderson asked about the placement in reorganization on the agenda. Councilor Anderson wanted an understanding as to why the placement of the reorganization was placed on the agenda where it was. Councilor Anderson stated that in the past it has been at the top of the agenda.

President Hill stated that originally when the agenda was being built it was right at the top at that time and one of the Councilors had asked that this agenda item be placed at the bottom of the agenda because he felt that President Hill had the best grasp of the contents of tonight's agenda. President Hill also stated that the Council can vote to move it back to the top of the agenda. There was no motion do so.

Councilor Henry echoed Councilor Anderson's sentiments about President Hill's service, which he stated has been exemplary as Council President.

Councilor Henry also commented that he heard the Charter Review Commission received input from councilors and others and that those would put aside until they were done reviewing the entire Charter themselves so they would have a fresh look at it. Councilor Henry does not see why they would deprive themselves of comments organized in the order in which they are approaching them. Councilor Henry would like them to reconsider that.

President Hill believes the sentiment of the Charter Review Committee is that they wanted to work through the full document then go back and address concerns.

Town Manager Report: Town Manager, Mary McNally gave her Town Manager's report as shown in attachment A.

Mary McNally introduced Stephen Lonergan, Municipal Finance Director, to the public and to the Council. Ms. McNally stated that Mr. Lonergan comes with a great deal of experience and has already proven his worth. President Hill welcomed Mr. Lonergan. Mr. Lonergan stated that he is looking forward to serving the town.

Approval of Minutes:

June 23, 2020 Open Session Minutes- *Councilor Kane made a motion to approve the June 23, 2020 Open Session Minutes. Councilor O'Connor seconded the motion. Roll Call vote: President Hill – Yes, Councilor Kane – Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – Yes and Councilor O'Connor – Yes.*

Communications, Correspondence and Announcements:

President Hill noted that in the Council's packet there is a letter from Mr. Wheeler, President and owner of AW Brown on Shaker Road. Mr. Wheeler raises concern that parking spaces attributable to his

property are being encroached upon by a restaurant/bar adjacent to his property due to outdoor dining. Mr. Wheeler is asking the Council to investigate whether or not the loss of parking spaces for his patrons is an enforceable offense.

President Hill stated that minutes before the Council meeting this evening she received another e-mail from Mr. Wheeler bringing to light as to what he perceives as some other alleged violations that might speak to the fact that the temporary license to serve alcohol as well as food to patrons may be in potential violation. For that reason President Hill is placing this matter under advisement for now and she will have it as an actual agenda item for next Tuesday's meeting. President Hill will refer this to the Building Inspector, the Health Inspector and the Police Chief to investigate the allegations.

Public Hearings:

- A. **Proposed Bylaw for Ground Mounted Photovoltaic Systems Moratorium** - Second Reading Continuation of a Public Hearing from June 23, 2020. President Hill opened the Public Hearing. Councilor Page read the proposed Bylaw into record. Councilor Page stated that at the last meeting Chairman Russ Denver was present and explained the reasoning for this. It is required that we do a second reading before there are any votes taken stated Councilor Page. Councilor Page said that the Town Attorney looked over the language and he made a couple suggestions on possible changes that we should consider.

Public Comment- Craig Jenstrom of 799 Parker St. feels that the bylaw appears to be open ended and there should be a timeframe out on making a decision and a final ruling on how long the moratorium goes for.

Council Comment - Councilor Page stated that Attorney Belcher-Timme made a suggestion that we change the effective date which originally was October 22, 2020 to something that was close to the first reading or a year from what the first reading was. He also suggested that they include a separate paragraph or line which stated the purpose of why we are creating this bylaw. As far as Mr. Jenstrom's question Councilor Page stated that the last line says whichever occurs earlier. So it would be October 22, 2020 or a date that we choose or if the bylaw is created sooner it would be that date so it is not open ended.

Councilor Henry asked if this was going to the By-law Committee because he would expect that the Attorney's comments would have been read into this second reading so the public could have seen what it is that we are actually voting on. Councilor Henry feels that we should continue this until we have more accurate wording that the Planning Board has agreed on and submitted to the Council.

Councilor Page believes that at the Public Hearing what we are trying to do as a Council is take in any information from the public that we deem necessary and any information from the councilors and then make amendments on the floor. It does not have to be voted on tonight but we can put changes in place such as the date and the purpose. Then we can continue the Public Hearing if we choose to.

Councilor Richards stated that she submitted to Councilor Page a draft purpose. Councilor Richards read the following draft into the record: *The Town of East Longmeadow along with other neighboring communities has experienced increased interest in the development of large scale commercially operated ground mounted photovoltaic installation with the potential for utilizing existing farmland or heavily treed forest for such development. Within East Longmeadow existing farmland and forest land are located within the residential zone. In March of 2012 the town adopted a zoning bylaw that addresses commercial ground mounted photovoltaic installations; requiring that these operations be located as of right within the industrial and industrial garden park zoning districts already designated for such large scale industrial use within the town's commitment to renewable energy and while other zoning districts are encouraged to utilize rooftop or carport top solar systems. The Towns' bylaw was recently challenged when a residential parcel was purchased for the sole purpose of the development of such a commercial operation and the request for a zone change to industrial was denied. The town is desirous of striking a balance between the value of renewable energy options, along with the rights of property owners, rights to abutters and the overall needs of the town. The purpose of this moratorium is to carve out sufficient time, to review the existing language of the current bylaw in order to address modifications that speak to the interest of the town and its citizens.*

President Hill feels it would be beneficial to see the revised bylaw with all of the thoughts incorporated into it so we have a document we can react to.

Councilor Anderson is on board with bringing it before the Planning Matters Subcommittee for review.

Councilor Henry made a motion to continue the Public Hearing for a proposed bylaw for ground mounted photovoltaic systems moratorium to August 11, 2020 at 6:30 pm. Councilor Richards seconded the motion.

Councilor Page feels that it is premature right now to continue this. Councilor Page believes that the Council should take a vote on whether or not we like the thought of this language and whether or not we are going to send this to the Planning Matters Subcommittee to recompile it and send it back to the Council. At this time the only thing that is here is the original document.

Roll Call vote- President Hill – Yes, Councilor Kane – Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – yes and Councilor O'Connor – Yes.

B. Public Hearing – President Hill opened the Public Hearing on the Town Manager's Review of the Proposed FY2021 Operating Budget for Fiscal Year 2021.

Mary McNally stated that in July 1, 2020 she had drafted a budget message that is included in the Councils' packet as shown in attachment B. Ms. McNally stated that we are all very painfully aware of the overriding presence of the Covid pandemic which has essentially brought our progress in municipal operations to a halt for the last four months. The difficulty in preparing the budget was essentially because we do not have a state budget that we can rely on for our revenue stream. Ms. McNally stated that this is a work in progress and she would like to praise the Department Heads for all of their work.

There were a total of 19 employees furloughed in various percentages stated Ms. McNally. The decision to furlough employees was a very difficult decision and they were made with the assistance of the respective Department Heads. The furloughs were done in an effort to reduce expenses in FY20 in the hopes that if revenues fell we would still be reasonably well positioned to maintain obligations for the balance of FY20 and make a reasonable effort at a fiscally responsible budget for FY21.

Ms. McNally stated that this budget is not bare bones it is a mere skeleton. There are only two departments that have gone up, the School Department and the HR Department stated Ms. McNally. Ms. McNally went over the projected revenue and gave the Council a thumbnail version of the budget.

Ms. McNally thanked the members of the Financial Oversight Committee for all of their help; they worked very well with the drafts she provided them.

Public Comments- Connor O'Shea of 20 Tanglewood Drive stated that overall the budget looks really good and he is impressed that a number of departments like the Fire Department and Council on Aging significantly reduced their budget this year and the ambulance even turned a profit. Mr. O'Shea was surprised at the estimated increase in local receipts. Mr. O'Shea also feels that \$140,000.00 in legal services seems quite excessive and questions if continued litigation is really in the best interest of the taxpayers of East Longmeadow. Mr. O'Shea stated that part of the increase for non-salary and Health Department was listed as mosquito control and is wondering if something is being done differently this year for mosquito control compared to last year, given the West Nile outbreak that we had. Mr. O'Shea noted that the Town's debt service continues to rise each year and this year it is 5%. If a Capital project such as the High School were to be undertaken it would mean a large increase in taxation. Mr. O'Shea is wondering if the electrical gear shift for the High School is something we would use if the High School were to be renovated or replaced if not it seems like we would be putting the cart before the horse. Mr. O'Shea stated that at last year's public hearing he was outspoken about the chrome books but he recognizes that they have come in handy with the distance learning this past school year. Mr. O'Shea reminded the public that last year the Town Council estimated the tax rate to be \$21.70 in May of 2019 and then the tax rate was set at \$20.84 in November of 2019. Mr. O'Shea stated that was a result of unanticipated new growth and additional revenue not a result of cuts made in the budget when it was approved.

Dawn Starks of 28 Elm St had a question regarding the lawnmower. Ms. Starks stated that she does know that most manufacturers of lawnmowers especially for municipalities and mowers that cost upwards of \$100,000.00 offer bid assistance. Often times they cut the price by thousands of dollars. Ms. Starks would strongly recommend that they pursue that route if they choose to purchase a lawnmower. Ms. Starks also appreciates all of the work that Mary McNally has done and really likes the fact that so much work has been put into this. We as taxpayers really appreciate it.

Craig Jenstrom of 799 Parker St. is curious about the option of subcontracting out some of the field maintenance. In reference to the new truck Mr. Jenstrom stated that most other towns do not plow their own streets. Have we considered subcontracting out some of these services as opposed

to doing them in house and purchasing more equipment that requires depreciation and maintenance. Can we look at subcontracting some of that out to decrease all of these costs?

President Hill closed the public comment portion of the hearing.

Council Comments- Councilor Anderson asked about the workman's comp. It is up almost 40%, do we have fewer employees or more employees or is this a function of the claims history? Ms. McNally stated that she is told that it is a function of claims history and it's an average of the three years prior and every third year it is reevaluated. Councilor Anderson asked about the election salaries line 162 that is up 42.3 is that because of more elections during this fiscal year. Ms. McNally states yes that is the primary reason.

Councilor Page asked about the police cruiser in the past the Council had done two cruisers based on public safety and last year they were approved for a pick-up truck and to his knowledge that was never purchased. Are we still going to purchase a vehicle off of last year's budget and then another one this year? Ms. McNally stated there is one on order right now that was intended to be purchased in FY20. Ms. McNally does not know the precise reason why it did not happen but it had something to do with it not being ordered within a certain timeframe. That vehicle should be coming in any day now and it is being paid out of FY20 money. Chief Dalessio explained that that it has been a goal in the past to purchase two vehicles every fiscal year. They were ordered late this year so they are still coming in. In an effort to keep costs down and in the spirit of cooperating with the budget they are trying to get by with one less this year

Councilor Page asked about the new mower on the Capital Project. Councilor Page believes we purchased a mower three years ago he is curious as to how many hours are on the newest one. What the maintenance is on it is it breaking down? DPW Superintendent Bruce Fenney informed Councilor Page that this mower will be a replacement and that they used to have two Hustler mowers that broke down about 6 years ago so they ended up purchasing a 2003 Toro in 2012. Typically they have two large mowers at all times to help maintain the fields.

Councilor Page asked if we have ever looked into outsourcing some of the mowing. Mr. Fenney has never looked into it. Typically when you outsource something you are paying prevailing wages so it is usually more expensive. It is usually cheaper to do things in house. Mr. Fenney stated he does not believe it is a good idea but if the Council would like him to investigate and give them actual numbers at a later date he would be more than happy to do so.

*Councilor Page made a motion to continue the Public Hearing for the proposed FY21 Town Managers operating Budget until July 21, 2020 at 6:30 pm. Councilor Anderson seconded the motion. **Roll Call Vote- President Hill – Yes, Councilor Kane – Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – Yes and Councilor O'Connor – Yes..***

Financial Matters

1. Approval of Deficit Spending Approval/Single Month Budget Request – Town Manager Mary McNally- This agenda item will be moved until the next meeting.

2. Appropriate Chapter 90 FY20 apportionment of \$581,503- This agenda item was moved until the next meeting.

New Business

1. Review and Release of Executive Session Minutes-

President Hill stated there were 10 Executive Session meetings from July 1, 2019 through June 30, 2020. Based on the intent of the Open Meeting Law and the conditions about releasing or not. Five of the Executive Sessions are suitable to be released for public review should they request that and five of the Executive Session minutes continue to be retained because for the most part they deal with ongoing litigation or contract negotiations.

*Councilor Page made a motion that the Town Council Executive Session minutes from July 1, 2019 through June 30, 2020 be made disclosable except for those marked as retained on President Hill's July 9, 2020 document as presented. Councilor Anderson seconded the motion. **Roll Call Vote- President Hill – Yes, Councilor Kane – Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – Yes and Councilor O'Connor – Yes.***

2. Reorganization of the Town Council, per Article 2, Section 3 of the Charter –

President Hill thanked her colleagues on the Council and all of the Department Heads stating that it was a great honor. President Hill stated that there are excellent and good loyal people working for this Town to do the very best they can to deliver great service. President Hill echoed those same thoughts for her colleagues on the Council who come to the table every meeting to do their very best and they make sure that we can deliver the very best product of the town.

*Councilor O'Connor made a motion to nominate Michael Kane as president of the Council. Councilor Henry seconded the motion. **Roll Call Vote- President Hill – Yes, Councilor Kane – Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – Yes and Councilor O'Connor – Yes.***

*Councilor Page made a motion to nominate Tom O'Connor as the Vice President. Councilor Henry seconded the motion. **Roll Call Vote- Councilor Hill – Yes, President Kane -Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – Yes and Councilor O'Connor – Yes.***

Summary Action Items: The two agenda items that were tabled and a Public Hearing.

Councilor Hill made a motion to adjourn the Open Session Meeting. Councilor O'Connor seconded the motion.

Councilor Henry thanked Kathy Hill for doing such a fine job as President. She is unfailingly pleasant and professional even when we disagreed on several policy issues she always recognized me with a smile. Councilor Henry stated that we are all in debt to Ms. Hill for her two years as President and he has no doubt that she will continue to be a strong voice for the Town and the residents going forward.

July 14, 2020

Roll Call Vote- Councilor Hill – Yes, President Kane – Yes, Councilor Page – Yes, Councilor Richards- Yes, Councilor Henry- Yes, Councilor Anderson – Yes and Councilor O’Connor – Yes.

The Open Session Meeting was adjourned at 7:55 pm. The next Town Council Meeting will be July 21, 2020.

Respectfully Submitted,

Jackie Sullivan

Assistant Town Clerk

Documents: Agenda, Town Manager Report, June 23, 2020 Draft Minutes, FY2021 Draft Budget, Proposed Solar Moratorium, Connor O’Shea public comments, letter from A-W Browns.

**TOWN OF EAST LONGMEADOW**

Town Manager's Report

July 14, 2020

Good Evening:

Meetings on budget creation, including capital planning, continued over the past two weeks resulting in the presentation later in the meeting. There is still no certain information available to guide the Town through this budget preparation as the amount of local aid from the Commonwealth is as yet undetermined. I address this issue in a bit more detail in my budget message. We have a significant number of year-end financial issues to work through in the immediate future and are currently understaffed in that Department due to the unforeseen departure of a staff member. Additionally, other administrative issues resulting from past payroll processes exacerbate these difficulties. Stephen Lonergan, Municipal Finance Director, is now on board and will be key to resolving and managing these problems.

The Town continues to assist local businesses in their re-opening plans. Town Departments are very involved in working to expedite the business opportunities presented by Phase II and III of the Governor's reopening plan. Other entities have been granted 30 day extensions on site plan reviews by the Planning Department to expedite their return to operations.

Town summer camps opened June 22, 2020. So far, there has been great success due to the careful planning by the Recreation Department and much enjoyment by the attendees. Phase III of the Governor's re-opening plan began on July 6, 2020, resulting in many new regulations and guidelines, particularly for summer sports. Unfortunately, some sports (soccer, e.g.) were determined to involve too much close contact and are not allowed. This decision was made after many parents and children had planned on the activity. Our Health Dept. continues to work with the State DPH for updates on guidance and new regulations and shares this information with Recreation staff as well as all other interested and affected parties.

The transition of EL's emergency communications to Westcomm went live on July 1, 2020 as planned. There was a meeting of the Board of Directors of which we are now a member, on July 7, 2020. Financial and operational issues were discussed and some protocols will evolve to address the particular items of concern to individual municipalities. Our Police and Fire Chiefs expressed satisfaction with the first week of implementation. The finance subcommittee has filed a grant request to fund the purchase and renovation of a new site in Chicopee (3.75 million total) to allow for further expansion of the District. That grant application and other applications are pending. Steve Lonergan will be the Town's representative on the Finance committee.

The DPW is working to complete a MassWorks grant application for municipal infrastructure projects and a sidewalk enhancement program.

Mariola Rivera has been hired as our new Human Resources generalist. She started on Monday, July 13, 2020, having come in on the 8th for her orientation. Mariola was previously employed with Westfield State University and brings experience in the area of benefits administration. Postings will be made soon for a position in the Finance office and an administrative position in the Planning Dept.

The re-carpeting of the children's library area, the teen activities area and the main circulation office area will begin on July 15, 2020 and should be completed within 3-4 workdays.

We were able to have a Department Heads meeting in person at the COA on July 1, 2020. Proper distancing was observed at all times. My primary purposes in scheduling this particular meeting were to thank the Department Heads for their steadfast service to the community during the management of the pandemic, to offer my personal thanks to each of them for supporting me throughout the many requests I have made of each of them for the last four months, to introduce our new managers, Steve Lonergan and Bethany Yeo, to acknowledge Olga Bones' enormous and vital contribution as interim Town accountant, to announce other personnel changes, and to encourage all to continue to work hard on initiatives to move the Town forward and to celebrate the new fiscal year.

Respectfully submitted,

Mary E. McNally
Town Manager